

1 PHILLIP A. TALBERT  
United States Attorney  
2 MATHEW W. PILE, WSBN 32245  
Associate General Counsel  
3 Office of Program Litigation, Office 7  
Social Security Administration  
4 JESSAMYN HANNA, PA 307103  
Special Assistant United States Attorney  
5 6401 Security Boulevard  
6 Baltimore, Maryland 21235  
7 Telephone: (212) 264-2506  
E-Mail: Jessamyn.Hanna@ssa.gov  
8 Attorneys for Defendant

9  
10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**

12 JAMES G. STAMOS, JR., ) CIVIL NO. 1:23-cv-00138-SKO  
13 Plaintiff, )  
14 v. ) **STIPULATION AND UNOPPOSED**  
15 KILOLO KIJAKAZI, ) **MOTION TO VOLUNTARY REMAND**  
Acting Commissioner of Social Security, ) **PURSUANT TO SENTENCE FOUR OF**  
16 Defendant. ) **42 U.S.C. § 405(g) AND TO ENTRY OF**  
17 ) **JUDGMENT; ORDER**  
) **(Doc. 17)**

---

18  
19 IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Kilolo  
20 Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned  
21 counsel of record, that the above-entitled action shall be remanded to the Commissioner of  
22 Social Security for further administrative proceedings.

23 Upon remand, the Appeals Council will remand the case to an Administrative Law  
24 Judge (ALJ) for a new decision, and instruct the ALJ to re-evaluate the evidence of record. The  
25 ALJ will be specifically instructed to re-evaluate the opinion evidence, including the opinion of  
26 the consultative examiner, Dr. Sharma, in accordance with the regulations. The parties further  
27  
28

request that the Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

Dated: August 31, 2023

/s/ Richard P. Zieman

RICHARD P. ZIEMAN

Attorney for Plaintiff

\*Authorized via e-mail on August 30, 2023

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Social Security Administration

By: /s/ Jessamyn Hanna

JESSAMYN HANNA

Special Assistant United States Attorney

Attorneys for Defendant

### ORDER

Based upon the parties' Unopposed Motion and Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand") (Doc. 17), and for cause shown, **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant, vacating and reversing the final decision of the Commissioner and thereafter close this case.

IT IS SO ORDERED.

Dated: September 1, 2023

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE